

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
Central Division

PATRICK ROMANO, <i>et al.</i> ,	)	
individually and on behalf of	)	
all others similarly situated,	)	
	)	
Plaintiffs,	)	Case No.: 2:23-cv-04043-BCW
vs.	)	
	)	JURY TRIAL DEMANDED
TORCH ELECTRONICS, LLC,	)	
<i>et al.</i>	)	
	)	
Defendants.	)	

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF CLASS CERTIFICATION**

Plaintiffs file this notice of supplemental authority in support of their pending motion for class certification to direct the Court’s attention to the recent dismissal of the Torch defendants’ declaratory judgment action previously pending in the Circuit Court for Cole County, Missouri, Case No. 21AC-CC00044.<sup>1</sup>

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<sup>1</sup> A written order has not yet been entered on the publicly accessible docket. The dismissal is widely reported by the media and confirmed by counsel for Torch in an email to chambers Oct. 3, 2023. *See, e.g.*, “Judge Tosses Torch Lawsuit Seeking to Block Missouri Highway Patrol Gambling Investigations,” *Missouri Independent* (Oct. 2, 2023), available at <https://missouriindependent.com/2023/10/02/judge-tosses-torch-lawsuit-seeking-to-block-missouri-highway-patrol-gambling-investigations/> (accessed Oct. 3, 2023); “Missouri Judge Dumps Slot Machine Company’s Lawsuit Against State Police,” *St. Louis Post Dispatch* (Oct. 3, 2023), available at [https://www.stltoday.com/news/local/crime-courts/missouri-judge-dumps-slot-machine-company-s-lawsuit-against-state-police/article\\_279907ec-6159-11ee-8d2d-8f26ac4d8a30.html](https://www.stltoday.com/news/local/crime-courts/missouri-judge-dumps-slot-machine-company-s-lawsuit-against-state-police/article_279907ec-6159-11ee-8d2d-8f26ac4d8a30.html) (accessed Oct. 3, 2023).

In their oppositions to class certification, defendants argued that a class action was not a superior means of resolving this dispute because the Cole County litigation “can and will resolve” the “central contested legal issue presented by Plaintiff’s Complaint, namely whether Torch devices violate Missouri gambling laws.” [Doc. 70 at 16].

To the extent that the Cole County litigation was ever an alternative means of resolving the dispute — it was not, as discussed in plaintiffs’ reply brief on class certification — it no longer is. This class action is now the only credible means available to resolve the question of whether Torch’s video slot machines are illegal gambling devices and whether the operation of those machines is illegal gambling.

This class action is a superior means compared to any alternative for resolving these disputes for the reasons previously stated in plaintiffs’ filings on class certification.

## CONCLUSION

For these reasons, and for all of the reasons stated in plaintiffs’ prior filings on the issue, class certification should be granted.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

The filing attorney certifies that a copy of this document was served on each counsel of record participating in the court's electronic case filing (ECF) system by filing this document through the ECF system on October 3, 2023.